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*To Provide the Choice of Listening and Speaking As The Way of Life for Children and Adults
Who Are Deaf or Hard of Hearing*

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Magalie Roman Salas
Secretary of the Commission
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C.

FCC MAIL ROOM

**Re: In the Matter of Reallocation of the 216-217 MHz, ET Docket Nos. 00-221-RM-9267;
RM-9692; RM-9797; RM-9854**

Dear Members of the Commission:

We are pleased to submit these comments on behalf of Auditory-Verbal International, Inc. (AVI) in response to the Federal Communications Commission's (FCC's) Notice of Proposed Rulemaking on Reallocation of the 216-217 MHz.

Introduction

Approximately 28 million Americans are deaf or hard of hearing. Auditory-Verbal International, or AVI, is an international consumer and professional organization based in the United States which represents people with hearing loss, primarily children, and the professionals who serve them. Many deaf and hard of hearing children use assistive technology, including FM systems operating on the 216-217 MHz frequency, to maximize their ability to hear and to participate in mainstream settings including educational classrooms.

The Auditory-Verbal approach is based upon a logical and critical set of guiding principles which enable those who are deaf or hard of hearing to learn to use even minimal amounts of amplified residual hearing or hearing through electrical stimulation (cochlear implants) to listen, to process verbal language, and to speak.

The goal of the Auditory-Verbal approach is for those who are deaf or hard of hearing to grow up in typical learning and living environments and to become independent participating citizens in mainstream society.

The use of assistive listening devices is critical to deaf and hard of hearing children learning to listen and speak, and participating in mainstream societal settings. The leadership of AVI and its membership are enormously concerned that the FCC has been instructed to auction these frequencies. The auction of these frequencies presents a substantial threat to the quality of life and ultimately the productivity of many deaf and hard of hearing children, including Auditory-Verbal children, as their ability to learn to listen and speak and participate in

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mainstream society is premised on their access to meaningful sound.

Deaf and Hard of Hearing Children Need Access to Spectrum at 216-217 MHz

While deaf and hard of hearing children first access either hearing aids or cochlear implants in order to make maximum use of their residual hearing, in many situations, additional assistive technology is necessary. Such situations include poor acoustical environments and environments replete with background noise. Such environments are, in fact, typical in the life of a child: classrooms full of active children; auditoriums where assemblies are held; houses of worship involving numerous participants. FM listening devices allow these children to remain independent and live full and productive lives in such typical mainstream settings. Such assistive listening devices are in reality mandated by the Americans with Disabilities Act (ADA) of 1990, the Rehabilitation Act of 1973 and the Individuals with Disabilities Act (IDEA), as a means for providing communication access in schools, workplaces, courtrooms, federally funded agencies, state and local government facilities and public accommodations.

The FCC has in the past stated that its primary objective in reallocation of government spectrum is to ensure that the best and most valued use is made and that the greatest benefit is achieved for the public. The FCC has also noted that such an approach is perhaps not appropriate where market forces would fail to provide for the operation of important services such as public safety communications, or to achieve important public policy goals. In the instant case, the public interest in the continued use of assistive listening devices by the deaf and hard of hearing in this spectrum far outweighs the benefits from allocating this spectrum to other uses.

Moreover, it must be noted that in order to comply with the ADA and other statutory requirements, many individuals and organizations have invested in 216-217MHz technology. To now make this spectrum unavailable would constitute an undue economic burden on a host of families and firms who have already invested in this technology.

Conclusion

Technological developments combined with appropriate therapy have made it possible for deaf and hard of hearing children to learn to listen and speak, to live full and active lives in the mainstream and to become productive taxpaying citizens. To now deny these children access to a tool critical to their success is illogical, ill-advised and financially short-sighted. If the FCC auctions the aforementioned spectrum, it will harm not only deaf and hard of hearing children, but society as a whole. Such an action would represent a regressive step on the part of the federal government. Auditory-Verbal International respectfully urges that the FCC refrain from the reallocation of 216-217 MHz and that assistive listening devices remain the primary users of this frequency allocation.

Respectfully submitted,



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